

HOUSE BILL 3295  
By Niceley

AN ACT to amend Tennessee Code Annotated, Title 43,  
Chapter 35; Title 44, Chapter 19; Title 47, Chapter  
18 and Title 53, Chapter 3, relative to milk.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-3-202, is amended by deleting subsection (e) in its entirety and by substituting instead the following new language:

(e) Notwithstanding any provision of title 43, chapter 35 and title 44, chapters 18 and 19 to the contrary, no person shall advertise, offer to sell or sell milk or reduced fat milk which contain less than the milk solids, not fat, and the milkfat percentages prescribed in subsection (f).

(f) For purposes of subsections (e) and (f):

(1) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and seven-tenths percent (8.7%) of milk solids, not fat, and not less than three and one-half percent (3.5%) milkfat; and

(2) "Reduced fat milk" means skim or skimmed milk, from which sufficient milkfat has been removed to reduce its milkfat content to less than five tenths of one percent (0.5%), and lowfat milk, from which sufficient milkfat has been removed to reduce its milkfat content to not less than nine-tenths of one percent (0.9%) and not more than two percent (2%). Skim or skimmed milk and lowfat milk shall contain not less than eleven percent (11%) of milk solids, not fat;

(g) In all proceedings brought to enforce this section, proof of consistent or repeated advertisements, offers to sell, or sales of milk products at less than cost, as

defined in this part, offers to sell, or sales of milk products with lower milkfat or milk solids, not fat, contents as defined in this section, the advertisements, offers to sell and sales forming a pattern of sales below cost, shall be prima facie evidence of the intent to injure competitors and destroy or lessen competition.

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new, appropriately designated subdivision:

( ) Violating the provisions of §53-3-202(e).

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.